

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA : SUPERSEDING INFORMATION  
:  
- v. - : S1 19 Cr. 802 (GBD)  
:  
ARON FRIED, :  
:  
Defendant. :  
:  
- - - - - X

COUNT ONE  
(Conspiracy to Commit Bank Fraud)

The United States Attorney charges:

1. From at least in or about June 2009 through in or about October 2013, in the Southern District of New York and elsewhere, ARON FRIED, the defendant, and others known and unknown, knowingly did combine, conspire, confederate, and agree together and with each other to commit an offense against the United States, to wit, bank fraud, in violation of Title 18, United States Code, Section 1344.

2. It was a part and object of the conspiracy that ARON FRIED, the defendant, and others known and unknown, knowingly would and did execute a scheme and artifice to defraud a financial institution, to wit, Park Avenue Bank in New York, New York ("the Bank"), the deposits of which were then insured by the Federal Deposit Insurance Corporation ("FDIC"), and to

obtain moneys, funds, credits, assets, securities, and other property owned by, and under the custody and control of, such financial institution, by means of false and fraudulent pretenses, representations, and promises, to wit, FRIED agreed with others to make misrepresentations to the Bank in order to obtain a \$1.4 million loan (the "Loan") from the Bank for a straw borrower (the "Straw Borrower"), in violation of Title 18, United States Code, Section 1344.

#### OVERT ACTS

3. In furtherance of said conspiracy and to effect the illegal object thereof, the following overt acts, among others, were committed in the Southern District of New York and elsewhere:

a. On or about June 5, 2009, before the Loan was funded, a co-conspirator not named herein ("CC-1") added the Straw Borrower to the deed for a valuable property owned by CC-1 (the "Property") for purported consideration of \$10. After the Loan was funded, on or about February 17, 2010, CC-1 arranged for the Straw Borrower to be removed from the deed for the Property.

b. On or about August 31, 2009, another co-conspirator not named herein ("CC-2") sent an email to a Bank employee that proposed falsely representing to the Bank that the

purpose of the Loan was to enable the Straw Borrower to take advantage of business opportunities.

c. On or about September 16, 2009, two accounts were opened at the Bank in the name of ARON FRIED, the defendant, in order to transfer over \$900,000 of the funds fraudulently obtained from the Loan to FRIED and CC-2.

(Title 18, United States Code, Sections 371 and 3293.)

#### **FORFEITURE ALLEGATION**

4. As the result of committing the offense alleged in Count One of this Information, ARON FRIED, the defendant, shall forfeit to the United States, pursuant to Title 18, United States Code, Section 982(a)(2)(A), any and all property constituting, or derived from, proceeds obtained directly or indirectly, as a result of the commission of said offense, including but not limited to a sum of money in United States currency representing the amount of proceeds traceable to the commission of said offense.

#### **Substitute Assets Provision**

5. If any of the above-described forfeitable property, as a result of any act or omission of the defendant:

a. cannot be located upon the exercise of due diligence;

b. has been transferred or sold to, or deposited with, a third person;


c. has been placed beyond the jurisdiction of the Court;

d. has been substantially diminished in value; or

e. has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p) and Title 28, United States Code, Section 2461(c), to seek forfeiture of any other property of the defendant up to the value of the forfeitable property described above.

(Title 18, United States Code, Section 982;  
Title 21, United States Code, Section 853; and  
Title 28, United States Code, Section 2461.)

  
DAMIAN WILLIAMS  
United States Attorney

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SUPERSEDING INFORMATION

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(18 U.S.C. §§ 371,  
and 3293.)

DAMIAN WILLIAMS

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United States Attorney

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